

To: Conant, Kathryn J -FS[kconant@fs.fed.us]
Cc: Schmidt, Jaime T -FS[jtschmidt@fs.fed.us]; Hartman, Chris -FS[chartman01@fs.fed.us]; Meade, Joe -FS[jmeade@fs.fed.us]; Bustam, Tinelle D -FS[tbustam@fs.fed.us]; Timothy Fisher[tjfisher@blm.gov]; Pentecost, Brian M -FS[bpentecost@fs.fed.us]; Conner, Tami -FS[tamiconner@fs.fed.us]
From: Butts, Sally
Sent: 2017-05-24T13:11:10-04:00
Importance: Normal
Subject: Re: KATHRYN & SALLY: BLM Info Provided & FS Info Needed re. Bears Ears (E.O. 13792)
Received: 2017-05-24T13:11:42-04:00
[Executive Summary for BENM.docx](#)
[Initial Data Request Related to Review of National Monuments BENM.docx](#)
[Additional Information Requested on Bears Ears NM.docx](#)

Kathryn,

Thanks for the phone conversation on this. Here are the Bears Ears NM documents I mentioned:

(1) Executive Summary (this is something that BLM created, with DOI's blessing, that we thought would help to provide an overview on the data request for Bears Ears NM. We are doing an Executive Summary for our other monuments under review as well.);

(2) Initial Data Request with Responses; and

(3) Additional Questions that DOI asked us.

These three documents reference supporting documents that are in the DOI google drive that you don't have access to. If you need to see a few of the supporting documents, let Tim and I know, and one of us can email those to you.

Please let me know if you have any questions and thanks for copying Tim (tjfisher@blm.gov).

Sally

On Wed, May 24, 2017 at 11:04 AM, Conant, Kathryn J -FS <kconant@fs.fed.us> wrote:

Great! If you could send them to me, and Mark Pentecost and Tami Conner (I am cc'ing both of them), that would be great.

Thanks!

Kathryn

Kathryn Conant
Director



Forest Service, Intermountain Region

Lands and Minerals

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Caring for the land and serving people

From: Sally Butts [mailto:sbutts@blm.gov]
Sent: Tuesday, May 23, 2017 8:05 PM
To: Schmidt, Jaime T -FS <jtschmidt@fs.fed.us>
Cc: Conant, Kathryn J -FS <kconant@fs.fed.us>; Hartman, Chris -FS <chartman01@fs.fed.us>; Meade, Joe -FS <jmeade@fs.fed.us>; Bustam, Tinelle D -FS <tbustam@fs.fed.us>; Timothy Fisher <tjfisher@blm.gov>
Subject: Re: KATHRYN & SALLY: BLM Info Provided & FS Info Needed re. Bears Ears (E.O. 13792)

Jaime and Kathryn,

I can share via email a few key documents that should assist with your review. One is an executive summary, another provides responses to the initial data request, and a third document provides responses to additional questions we received. These documents will provide you with the bulk of our response. They reference supporting documents that I can share, as needed, via email.

Let me know who I should send the above described documents.

Thanks, Sally

Sent from my iPhone

On May 23, 2017, at 8:48 PM, Schmidt, Jaime T -FS <jtschmidt@fs.fed.us> wrote:

Hi Sally and Kathryn— connecting you two via this email.

- ☐ Sally is BLM's Acting National Division Chief for National Conservation Lands
- ☐ Kathryn is the FS' Intermountain Regional Director of Lands and Minerals (and our lead POC in Bears Ears NM)

I've confirmed via DOI's Randal Bowman that the FS won't be granted electronic access to the DOI database where info corresponding to the monument data calls is being collected/compiled (due to contracting/security issues). The FS is creating a single spreadsheet for our folks to respond to DOI's 2 data requests and we'll be sending that out to FS regional leads tomorrow.

BLM has the lead on Bear's Ears for this E.O response. Per my discussions with Randal and Sally, our Bears Ears SME(s) need to review/verify BLMs info they've compiled over the last 2 weeks to (if it appears to reflect FS-managed portions of the monument) and/or supplement it with FS-related information. It sounds like the most efficient way for that to occurs is if: 1) our FS SME(s) can review what BLM has provided via a BLM employee with access to a BLM computer; or 2) by sharing email copies of BLM content documents and editing or supplementing those. **Sally & Kathryn— thoughts on most expedient approach here?**

Note that DOI confirmed today that although DOI responses for Bears Eras are already due, since DOI bureaus' had a 2-week head-start on us, the FS' Bears Ears response is due to DOI by June 2nd. (they'd of course appreciate it sooner if possible).

In the meantime to help this along, this afternoon DOI provided me with the attached FYI copies of info BLM has provided them re. Bears Ears Nat'l Monument:

- ☐ BLM's response to the "Additional Data Request" DOI provided (not sue whether these replies also cover FS-managed sections?)
- ☐ A PDF table of what appears to be a listing of timber production info from BLM's Monticello Field Office.

DOI also indicated they also have additional, more extensive response materials from BLM, but Randal didn't have those on-hand to readily share. **Again—I welcome you both coordinating on most efficient sharing/review approach here (please keep me in cc loop).**

To help ensure we're keeping key folks updated and content coordinated, FS

submittal of updates/content should come through me and/or be cc'd to me.

Thx both— much appreciated.

**Jaime Schmidt
National Trail
Program Manager**

Forest Service

**Recreation,
Heritage &
Volunteer
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From: Conant, Kathryn J -FS

Sent: Tuesday, May 23, 2017 1:33 PM
To: Schmidt, Jaime T -FS <jtschmidt@fs.fed.us>
Subject: RE: URGENT INFO REQUEST: National Monument Info (E.O. 13792)

I will try to call you later, but yes, we are working on the data call, and hope to have the info to you tomorrow.

Kathryn Conant
Director

Forest Service, Intermountain Region

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From: Schmidt, Jaime T -FS
Sent: Tuesday, May 23, 2017 1:29 PM
To: Conant, Kathryn J -FS <kconant@fs.fed.us>
Subject: RE: URGENT INFO REQUEST: National Monument Info (E.O. 13792)

Hi Kathryn— I just left a message eon your cell. Please me via my cell # below as soon as you have a chance, so we can coordinate on next immediate steps. Thx.

**Jaime Schmidt
National Trail
Program Manager**

Forest Service

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**Caring for the land
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From: Conant, Kathryn J -FS
Sent: Tuesday, May 23, 2017 11:56 AM
To: Schmidt, Jaime T -FS <jtschmidt@fs.fed.us>
Cc: Pentecost, Brian M -FS <bpentecost@fs.fed.us>; Hartman, Chris -FS <chartman01@fs.fed.us>;
Dudley, Mike -FS <mdudley@fs.fed.us>
Subject: RE: URGENT INFO REQUEST: National Monument Info (E.O. 13792)

Jaime- Let me know when you have a sec to chat on the Tribal listening sessions. At this point, given the location of the sessions (Portland, Billings, and Phoenix), we were thinking that it is most efficient to have the local regions/units attend, rather than us fly to these areas. In addition, since we only have one monument under review in R4 that effects NFS lands, it doesn't seem to be the best use of our time. But I wanted to see if you heard back from the other Regions on their attendance. If needed, we could have someone fly to the Phoenix session as a day trip.

In addition, what is the expectation of FS rep? I am assuming it is just to listen and take notes, but let us know if you have a different expectation.

Thanks!

Kathryn

<< OLE **Kathryn Conant**
Object: **Director**
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Independent
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Caring for the land and serving people

From: Schmidt, Jaime T -FS
Sent: Monday, May 22, 2017 10:54 AM
To: Conant, Kathryn J -FS <kconant@fs.fed.us>; Bacon, James - FS <jamesbacon@fs.fed.us>; Olson, Alan D -FS <aolson@fs.fed.us>; Weierbach, Neal -FS <nweierbach@fs.fed.us>; Khung, Kevin -FS <kkhung@fs.fed.us>; Rich, Katheryn D -FS <kdreich@fs.fed.us>; Cole, Mary V -FS <marycole@fs.fed.us>; Bokach, Matthew - FS <matthewbokach@fs.fed.us>; Govan, Jihadda - FS <jjhaddagovan@fs.fed.us>; Tophooven, Tracy -FS <ttophooven@fs.fed.us>; Drivas, Teri -FS <tdrivas@fs.fed.us>; Chung, Diane - FS <dchung@fs.fed.us>
Cc: Meade, Joe -FS <jmeade@fs.fed.us>; Clark, Fred P -FS <fclark@fs.fed.us>; Barnes, Martina -FS <martinabarnes@fs.fed.us>; Gehrke, Andrea - FS <agehrke@fs.fed.us>; Bustam, Tinelle D -FS <tbustam@fs.fed.us>; Mast, Jeffrey - FS <jmast@fs.fed.us>
Subject: URGENT INFO REQUEST: National Monument Info (E.O. 13792)
Importance: High

Hi Folks—

Some quick updates and requests re. FS-managed National Monuments:

1. **FOIAs:** We've received 2 agency-wide FOIAs re. FS records/documents, info, messages, etc. regarding national monuments. We're working with our national FOIA Office to verify the scope of these requests and our most efficient approach for responding. No need for additional email discussion yet-- we'll let you know more regarding this request soon.
2. **URGENT - 4 Tribal Listening Sessions:** We learned late last week that DOI will be hosting 4 Tribal Listening Sessions within the next 2 wks, beginning this Thurs in Portland (see attached). I'll be reaching out to Region 2, 4, 5 and 6 Directors later today or early tomorrow to verify which reps you can send to these sessions on behalf of the FS (I'm including R6 in this email due to the location of the 1st meeting, which is in Portland this Thursday). We're thinking that, if possible, we'd like to have the following representation at each session: 1 RO Rec/Lands Director (or rep); 1 RO Tribal Liaison, and 1 monument manager. Please coordinate between regions re. best/available reps.
3. **URGENT - Monument Data Call:** DOI has initiated a data call and we're working with them to coordinate how data will be submitted and reviewed. We'll share more info as we get things learn more about where data is to be sent/entered, etc. In the meantime, here's a heads-up copy of the info being requested. Please notify your specialists and ask them to compile the requested info. The data call is on a very quick turn-around:
 - a. Bears Ears info is needed by mid-wk. BLM has the lead on compiling this info. Please let me know the name of FS lead contact to work with the local BLM lead to review/update the info BLM has already provided into the DOI database being used for this request. BLM is advising the most efficient approach will be working on-site with the BLM lead via their computer access to the DOI database
 - b. Info on other monuments likely needed later this wk early next wk. FS will be lead on Sand to Snow, working with local BLM counterparts.
 - c. We'll be providing more info re. needed WO review of any associated econ analysis data supplied by regions.
4. **Monument Point of Contacts:** Please complete your section of the attached Contact spreadsheet to identify regional and monument contacts, and update any additional info. Send any updates back to me with a cc to Martina Barnes.

Apologies for the quick turn on this. We greatly appreciate your help.

<< File: Interior Listening Sessions on E.O. 13792 (5-18-2017).docx >> << File: E.O. 13792 - DOI Initial Data Request Related to Review of National Monuments (5-18-2017).docx >> << File: E.O.13792 - DOI Data Call 2 (5-18-2017).docx >> << File: USFS_Presidentially Proclamed Nat'l Monument_contacts (DRAFT 5-22-2017).xlsx >>

Jaime Schmidt
National Trail
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<BENM Additional Data Request 052217 (BLM).docx>

<BENM 3.d.Timber Production 2012 2016 (BLM 5-23-2017).pdf>

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Sally R. Butts, J.D., Acting Division Chief
National Conservation Lands
Bureau of Land Management

20 M St. SE, Washington, DC 20003

Office 202-912-7170; Cell 202-695-5889; Fax 202-245-0050; sbutts@blm.gov

Executive Summary of Review of National Monuments under EO 13792 (April 26, 2017)

Key Information about Bears Ears National Monument

Bears Ears National Monument (BENM) was designated on December 28, 2016. BENM consists of 1,351,849 acres in San Juan County, Utah, jointly managed by the Bureau of Land Management (BLM) and the U.S. Forest Service (USFS) (1.063 million acres managed by the BLM; 290,000 acres managed by the USFS). Prior to designation, the area was managed by the BLM and USFS and continues to be following designation. Located in southeast Utah's canyon country, BENM offers unparalleled recreation opportunities. The area is one of the most significant cultural landscapes in the United States, with thousands of archaeological sites and important areas of spiritual significance to American Indian tribes. Overall, multiple use activities are allowed in BENM that are compatible with the protection of resources and objects identified in the Presidential Proclamation. Multiple use activities are subject to decisions made in current and future BLM resource management planning efforts which include public participation. Unlike national monuments managed by other federal agencies, monuments and other conservation areas managed by the BLM continue to allow for multiple uses according to the Federal Land Policy and Management Act.

Summary of Public Engagement Prior to Designation

The idea of a national monument in this area is not a new one: calls for protection of the Bears Ears area began more than 80 years ago. Six years ago, several tribes began working on a specific proposal to protect this area under the Antiquities Act. Last year, at the invitation of the tribes, senior representatives from DOI and the USFS attended an Inter-Tribal Council meeting in the field at the Bears Ears buttes to engage in government-to-government dialogue. In July 2016, Secretary Jewell was joined at a public meeting in Bluff, Utah, by Department of Agriculture Under Secretary for Natural Resources and Environment Robert Bonnie, Principal Deputy Assistant Secretary for Indian Affairs Larry Roberts, BLM Director Neil Kornze, National Park Service Director Jon Jarvis, and staff from the offices of Governor Herbert, Congressman Chaffetz, Congressman Bishop, Senator Lee, and Senator Hatch. At the meeting, an overflow crowd of over 1,500 citizens attended. The majority of speakers encouraged permanent protection for this iconic landscape, as did the majority of almost 600 written comments. On that trip, senior officials also met with a number of local stakeholders to discuss protection of the area, including a meeting with the San Juan County Commission that was well-attended by local citizens. The Governor, members of Utah's congressional delegation, and the San Juan County Commission support protection for the area, but unanimously opposed monument designation.

The boundary of BENM is largely congruent with similar designations proposed in the Utah Public Lands Initiative (UPLI) (H.R. 5780), which was introduced by Representatives Bishop and Chaffetz after extensive consultations with stakeholders. Their UPLI, which Governor

Herbert also supported, proposed to conserve roughly the same area as the BENM by designating two National Conservation Areas (Indian Creek and Bears Ears) as well as the Mancos Mesa Wilderness. The UPLI also proposed to designate most of the current Wilderness Study Areas as wilderness.

There is overwhelming support from tribal governments for protecting this important cultural landscape. A coalition of five federally recognized tribes – Hopi, Navajo, Ute Mountain Ute, Zuni, and Ute Indian Tribe of the Uinta Ouray – came together to develop a tribal proposal for protecting 1.9 million acres of public land in the Bears Ears area, which is the ancestral grounds of numerous tribes in the region and remains an important area for traditional and ceremonial use. Over two dozen other tribes endorsed their tribal proposal, as well as the National Congress of American Indians. All seven tribes located in Utah and the Utah Tribal Leaders Association endorsed the tribal proposal. The Navajo Nation, which has seven chapter houses located in Utah, has supported the tribal proposal at its highest levels, including support from its President and the Navajo Nation Council. Six of their seven chapter houses in Utah support the tribal proposal, and the one that has rescinded its support has instead advocated for protecting the area through the Utah Public Lands Initiative (UPLI). To reflect tribal expertise and traditional and historical knowledge, the BENM Presidential Proclamation established a Bears Ears Commission, which enable tribes to share information and advice with federal land managers.

Summary of National Monument Activities since Designation

The BLM-Utah Monticello Field Office has identified a list of priority projects needed to improve visitor safety, protect resources, and enhance visitor experiences and have made significant progress in planning and implementation of these projects. The Field Office also manages existing multiple uses that are compatible with the BENM Proclamation. The BLM-Utah has also developed informational materials including maps, brochures, and website materials. Design work for portal signs is also nearly complete. The Bears Ears Tribal Commission has been established, with representatives identified for each of the tribes noted in the proclamation. The BLM has participated in two in-person meetings with the Commission and have started to identify opportunities to work together. The BLM has coordinated with the USFS on day-to-day activities and initiated discussions regarding short- and long-term management needs. A coordination call is held between the agencies on a weekly basis to discuss ongoing action items, including responses to public inquiries. The BLM prepared a Monument Advisory Committee (MAC) Charter (signed by Secretary Jewell) and a Federal Register Notice calling for nominations to the MAC (not yet published). There has been no change in day-to-day management since designation of BENM and no change in grazing or the number of permitted AUMs.

Summary of Activities in Area for 5 years Preceding Pre-Designation

These lands have been managed according to the 2008 Monticello Resource Management Plan, which includes multiple-use management objectives. Approximately 727,000 acres (68 percent) of the BLM lands that are within the monument were managed with some level of a protective designation either under the existing land use plan as Areas of Critical Environmental Concern, natural areas, and Special Recreation Management Areas; or as designated Wilderness Study Areas. There has been no change in day-to-day management since designation of BENM.

Summary of Available Economic Information since Designation

A cursory review of mineral potential is included in the Drive folder (4.c.d.Cursory Review of the Mineral Potential Occurrence within the Bears Ears NM BLM). Unlike many of the other monuments included in the Executive Order review, economic information has not been developed for BENM because of its recent designation.

Summary of Any Boundary Adjustments since Designation

Not applicable. The proclamation establishing the BENM directed the Secretary to explore entering into a Memorandum of Understanding (MOU) with the State of Utah for the exchange of approximately 109,000 acres of state inholdings within BENM for BLM lands outside the monument. Further, the Secretary was ordered to report to the President by Jan. 19, 2017, regarding the potential for the exchange. In response, the BLM drafted an MOU for review by the Utah State Institutional Trust Lands Administration (SITLA). SITLA has temporarily declined to participate in review of the MOU pending the outcome of the monument review under the executive order. The BLM anticipates that at the conclusion of the review process, SITLA will be receptive to dialog regarding exchange opportunities.

Call for Data Related to Review of National Monuments under EO 13792 (April 26, 2017)

1. Documents Requested

a. Resource Management Plans/Land Use Plans

- i. Bears Ears National Monument (BENM) has not yet initiated a Monument Management Plan (MMP). The 2008 Monticello RMP will be followed in the interim. The entire Monticello RMP (DEIS/FEIS/ROD) can be accessed here: <https://eplanning.blm.gov/epl-front-office/eplanning/planAndProjectSite.do?methodName=renderDefaultPlanOrProjectSite&projectId=68097&dctmId=0b0003e880befb7c>. A copy of the 5-year RMP Evaluation is also in this folder (1.a.Monticello_RMP_Evaluation_September_2015.pdf).

b. Record of Decision

- i. BENM has not yet initiated a Monument Management Plan. The 2008 Monticello RMP will be followed in the interim. The ROD is in this folder (1.b.Monticello_Final_Plan_ROD.pdf) and can be accessed here: https://eplanning.blm.gov/epl-front-office/projects/lup/68097/85493/102694/Monticello_Final_Plan.pdf. Approximately 1,000 acres of BENM is within the Moab Field Office. The Moab RMP is located here: <https://eplanning.blm.gov/epl-front-office/eplanning/planAndProjectSite.do?methodName=renderDefaultPlanOrProjectSite&projectId=66098&dctmId=0b0003e880bf5947>

c. Public Scoping Documents

- i. Public scoping has not yet been initiated for a BENM MMP. The first public comment period post- designation associated with BENM is the DOI Notice of Opportunity for Public Comment.

d. Presidential Proclamation

- i. Proclamation 9558 of December 28, 2016 is in this folder (1.d.Bears Ears Presidential Proclamation.pdf).

2. Information on activities permitted at the Monument, including annual levels of activity from the **date of designation to the present (Designation date for BENM is December 28, 2016 - information is not yet available for most of FY17)**

a. Recreation - annual visits to site

- i. The BLM uses the Recreation Management Information System (RMIS) to report visitor use. Full reporting for annual visitation 2017 will not be available until the end of September.
- ii. Specific visitation information to the BENM is not available at this time. The

Monticello Field Office confirms that:

- Requests for overnight reservations in the Cedar Mesa area and day use permits for the Mcloyd Canyon/Moonhouse area, which are both popular recreation spots within the BENM, have increased since monument designation.
- Campgrounds in the Moab and Monticello Field Offices have remained full through much of this spring season, even on non-weekend days, and the number of overnight visitors is higher compared to this same time last year.

Detailed visitor data for the Monticello Field Office is available in this folder (2.a.RMISData_SelectInfo_2012_2016.pdf).

- iv. The number of recorded visitors to the Kane Gulch ranger station during the months of March and April was higher than in previous years. Included below are visitor numbers from the Kane Gulch ranger station.
 - 2013 - 3,484 visitors
 - 2014 - 3,730 visitors
 - 2015 - 4,344 visitors
 - 2016 - 4,848 visitors
 - 2017 - 6,535 visitors
- b. Energy - annual production of coal, oil, gas and renewables (if any) on site; amount of energy transmission infrastructure on site (if any)
 - i. There are no producing oil and gas wells and no coal developments in BENM. While public lands in the monument are now withdrawn from mineral leasing, valid existing rights were protected under the proclamation. Therefore, development on existing leases could occur.
 - ii. There are 25 authorized federal oil and gas leases (29,416 acres) that are partially or wholly contained within the area that is now the BENM. The effective date on these leases ranges from 1972-2012. There are no authorized or pending APDs associated with these leases.
 - iii. Since 1920, 250 wells have been drilled in the BENM. The last wells were drilled in 1993. Of the 250 wells drilled, three wells have produced economical quantities of oil and gas. The last producing well was drilled in 1984.
 - iv. Since designation of the BENM, there has been no new construction of energy transmission infrastructure.
- c. Minerals - annual mineral production on site
 - i. There are no active mining operations in the BENM. There is one commercial mineral materials site. The permit for this site was renewed on March 13, 2016,

for a 10-year period. Production over the next 10 years is limited to 200,000 cubic yards (cu yds) at a rate of \$1.08 per cu yd. Due to the short timeframe since designation (five months), it is not possible to calculate the annual mineral production since designation.

- d. Timber - annual timber production on site (in board-feet, CCF, or similar measure)
 - Timber production in the BENM is limited to non-commercial Christmas tree cutting permits, and permits for the collection of wood products (i.e., posts and firewood). Due to the short timeframe since designation (five months), it is not possible to calculate the annual timber production since designation. Collection of forest products, and firewood for personal noncommercial use is allowed under the monument proclamation.
- e. Grazing - annual grazing on site (AUMs permitted and sold)
 - i. There are 20 allotments wholly or partially contained within BENM. These allotments include 50,469 permitted Animal Unit Months (AUMs). Allotment boundaries do not coincide with the BENM boundary, and therefore it is not possible to calculate the number of AUMs currently permitted within the monument. Due to the short timeframe since designation (five months), it is not possible to calculate the annual AUMs sold.
- f. Subsistence - participation rates for subsistence activities occurring on site (fishing, hunting, gathering); quantities harvested; other quantifiable information where available
 - i. Subsistence activities are those that provide the bare essentials for living: food, water, and shelter. The Federal Subsistence Management Program provides opportunities for subsistence way of life in Alaska on federal public lands and waters. There are no formal subsistence programs outside of Alaska. BENM does provide for the collection of certain natural materials, including firewood by Native American Indians, under BLM permit. Information regarding firewood collection is included under the discussion of timber production.
 - ii. RMIS data provides the number of permitted/guided and recreational hunting activities and fishing activities (BENM_5YearRecreationData). These numbers do not reflect the actual number of licensed hunters/fishermen. That data is available from the State of Utah Division of Wildlife Resources. The entire BENM is open for hunting and fishing, which is regulated by the State of Utah Division of Wildlife Resources.
- g. Cultural - list of cultural uses/values for site; number of sites; other quantifiable information where available

- i. The Bears Ears Inter-Tribal Coalition requested designation of the BENM. The Inter-Tribal Coalition, which includes the Hopi, Zuni Tribe, Navajo Nation, Ute Mountain Ute, and Northern Ute, have stated that the entire 1.35 million-acre BENM includes important cultural values. The importance of these values, which was recognized in the monument proclamation, are discussed in the Inter-Tribal Coalitions monument proposal. (2.g.Bears-Ears-Inter-Tribal-Coalition-Proposal.pdf), which was submitted to the department on Oct. 15, 2015. The cultural values of the area are also explained in the proclamation.
- ii. Tribes use the BENM for ceremonies and to visit sacred sites. Traditions of hunting, fishing, gathering, and wood cutting are still practiced by tribal members, as is collection of medicinal and ceremonial plants, edible herbs, and materials for crafting items like baskets and footwear. The BLM issues free use permits for collection of materials for ceremonial purposes.
- iii. According to the Utah State Historic Preservation Office (SHPO), as of Feb. 6, 2017, there are 8,480 recorded archaeological sites and four archaeological districts within BENM. According to the National Register Bulletin 36: Guidelines for Evaluating and Registering Archeological Properties, a “district” is a grouping of sites, buildings, structures, or objects that are linked historically by function, theme, or physical development or aesthetically by plan. The following archaeological districts are either completely within or partially within the BENM: Butler Wash, Grand Gulch, Natural Bridges, and the Salt Creek Archaeological District.
- iv. More than 70 percent of these sites are prehistoric (pre-dating the 1800s). These prehistoric sites include pottery and stone tool (lithic) scatters, the remains of cooking features (hearths), storage features such as adobe granaries and subsurface stone lined granaries, prehistoric roads, petroglyphs, pictographs and cliff dwellings. Historic sites include historic debris scatters, roads, fences, uranium and vanadium mines from World War II and the Cold War.
- v. The BLM has not completely surveyed the monument. The total percentage of the BENM that has been surveyed for cultural resources is 9.2 percent.

3. Information on activities occurring during the **5 years prior to designation**

- a. Recreation - annual visits to site
 - i. The BLM uses the RMIS to report visitor use. BENM is a subset of the Monticello Field Office. RMIS data for the Monticello Field Office is included in the folder (2.a.RMISData_SelectInfo_2012_2016.pdf).
- b. Energy - annual production of coal, oil, gas and renewables (if any) on site; amount of energy transmission infrastructure on site (if any)

- i. There was no energy production from coal, oil, gas, or renewables during the five years prior to designation (2012-2016). The last producing oil and gas well was drilled in 1984. The last well was drilled in 1993.
 - ii. No energy transmission infrastructure was constructed within the BENM during the five years prior to designation. There are 13 existing power transmission lines that intersect the BENM. These lines were constructed from 1969-1984. There are four oil and gas pipelines or related facilities that were constructed in 1963. Additional information on energy transmission infrastructure and other lands and realty actions is attached (3.b.Lands_and_Realty.pdf).
- c. **Minerals - annual mineral production on site**
 - i. During the five years prior to designation, mineral production was limited to one mineral material site. The permit for this site was renewed on March 13, 2016, for 10 years. Production over the next 10 years is limited to 200,000 cubic yards (cu yds) at a rate of \$1.08 per cu yd. Production numbers for the past five years are included below. This production occurred at a rate of .90 cents per cu yd.
 - 2011- 16,000 cu yds
 - 2012- 12,000 cu yds
 - 2013- 31,622 cu yds
 - 2014- 44,444 cu yds
 - 2015- 2,914 cu yds
- d. **Timber - annual timber production on site (in board-feet, CCF, or similar measure)**
 - i. During the five years prior to designation, timber production in the BENM was limited to non-commercial Christmas tree permits, and permits for the collection of wood products (i.e., posts and firewood). Production information for the site can be found the folder (3.d.Timber_Production_2012_2016). Information provided is for the entire field office and is not limited to the area that now part of the BENM. The BLM does collect location information.
- e. **Grazing - annual grazing on site (AUMs permitted and sold)**
 - i. There are 20 allotments wholly or partially contained within BENM. These allotments include 50,469 permitted AUMs. Allotment boundaries do not coincide with the BENM boundary, and therefore it is not possible to calculate the number of AUMs currently permitted within the monument boundary. AUMs sold during the past five years are included below.
 - 2012- 27,836 AUMs
 - 2013- 29,175 AUMs
 - 2014- 32,193 AUMs
 - 2015- 32,129 AUMs

- 2016- 36,402 AUMs
- f. Subsistence - participation rates for subsistence activities occurring on site (fishing, hunting, gathering); quantities harvested; other quantifiable information where available
- i. As previously mentioned, subsistence activities are those that provide the bare essentials for living: food, water, and shelter. The Federal Subsistence Management Program provides opportunities for subsistence way of life in Alaska on federal public lands and waters. There are no formal subsistence programs outside of Alaska. BENM does provide for the collection of certain natural materials, including firewood by Native American Indians, under BLM permit. Permits issued to American Indians for collection are accounted for in the annual timber production numbers.
- g. Cultural - list of cultural uses/values for site; number of sites; other quantifiable information where available
- i. See response to 2.g.

4. Information on activities that likely would have occurred annually from the date of designation to the present **if the Monument had not been designated**

(b) (5) - DPP

- a. (b) (5) - DPP
- i. [REDACTED]
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
 - ii. [REDACTED]
 - [REDACTED]
- b. [REDACTED]
[REDACTED]
- i. [REDACTED]
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
 - ii. [REDACTED]
 - [REDACTED]

(b) (5) - DPP

[illegible]

(b) (5) - DPP

- ## 5. Changes to boundaries - dates and changes in size

- i. There have been no changes to boundaries.

6. Public Outreach prior to Designation - outreach activities conducted and opportunities for public comment

- i. The public process preceding BENM designation is outlined in the document 6.Bears Ears Fact Facts QA.pdf (released with the DOI/USDA joint press release on 12/28/16) in this folder. Secretary Jewell held a public meeting in Bluff, Utah in July 2016. See also: <https://www.doi.gov/pressreleases/secretary-jewell-under-secretary-bonnie-join-utah-local-leaders-public-meeting-hear>.

7. Terms of Designation

- i. Refer to Proclamation for the terms of designation. No additional background (e.g., legislated land exchanges or Congressional budget provisions, etc.).

**Additional Information Requested on Executive Order on the Review
of Designations Under the Antiquities Act**

BLM-Utah Responses to Additional Questions

- a) Any legislative language, including legislation in appropriations bills

The boundary of Bears Ears National Monument (BENM) is largely congruent with similar designations proposed in the Utah Public Lands Initiative (UPLI) (H.R. 5780).

- b) alternative options available for protection of resources applicable at each monument, such as Native American Graves Protection and Repatriation Act, Paleontological Resources Preservation Act, Archaeological Resources Protection Act, Historic Preservation Act and agency-specific laws and regulations.

The following options could provide some options to protect specific resources found in BENM. (b) (5) - DPP

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]. See also the attached *Stegner Center NM vs NCA.pdf*.

National Historic Preservation Act, (NHPA)

Native American Graves Protection and Repatriation Act, (NAGPRA)

Paleontological Resources Preservation Act, (PRPA)

Archaeological Resources Protection Act, (ARPA)

American Indian Religious Freedom Act (AIRFA)

- c) Designated wilderness areas (name, acreage), Wilderness Study Areas (name if there is one, acreage, type), and/or areas managed to preserve wilderness or roadless characteristics that are not WSAs.

1. There is no BLM-administered designated wilderness within BENM. The US Forest Service manages the Dark Canyon Wilderness.
2. BLM manages 11 WSAs totaling 380,759 acres within BENM.
 - Bridger Jack Mesa – 6,333 acres
 - Butler Wash – 24,277 acres
 - Cheesebox Canyon – 14,831 acres
 - Dark Canyon – 67,825 acres
 - Fish Creek Canyon – 46,102 acres
 - Grand Gulch – 105,213 acres

- Indian Creek – 6,554 acres
- Mancos Mesa – 50,889 acres
- Mule Canyon – 6,171 acres
- Road Canyon – 52,404 acres
- South Needles – 160 acres
 - *WSA/ISA acres listed are the total BLM-administered surface acres from the Utah Statewide Wilderness Study Report, October 1991. GIS calculations would vary.*

3. There are ~48,800 acres within 4 areas (Dark Canyon, Mancos Mesa, Nokai Dome East and Grand Gulch) that are carried forward in the 2008 Monticello Approved RMP for protection of their wilderness characteristics. Mancos Mesa, Nokai Dome East and Grand Gulch are unavailable for oil and gas leasing. Dark Canyon is available subject to a no surface occupancy stipulation that cannot be waived, excepted or modified. All 48,400 acres are managed as avoidance areas for rights-of-way (ROW).

See: Bears Ears Existing Special Areas Calculations.pdf and MtFORMP Existing Special Designations BLM.pdf

d) Outstanding R.S. 2477 claims within a monument – type of road claimed and history

There are 1,703 roads claimed in San Juan county under R.S. 2477. This figure also includes lands outside of BENM managed by the Monticello Field Office. (*See: Statewide RS2477 Claims 102313.pdf and Utah RS2477Claims.pdf*).

Note: Between 2005 and 2012, the State of Utah and 22 counties filed 30 lawsuits seeking quiet title to over 12,000 claimed R.S. 2477 rights-of-way. The vast majority of these claims are on BLM-administered lands, but claims are pending on lands administered by the National Park Service and U.S. Forest Service. To date, only one case, involving three roads, has been settled (Juab 1). Under a case management order, six cases involving 1,500 claims are currently being litigated —Kane (1), Kane (2), (3), and (4), and Garfield (1) and (2); these cases do not include lands within BENM. The remaining cases have been stayed, although preservation depositions have been allowed to continue. BLM-Utah maintains thousands of records related to R.S. 2477 claims and active or pending litigation, but some of the information is attorney-client privileged.

e) Maps –

BENM provided several maps in the initial data response (*BENM WO 410 Checklist and Supporting Docs subfolder: BENM GeoPDF map.pdf and BENM webmap.pdf*). There are also numerous maps contained within the Monticello Management Plan. We are attaching several maps of cultural and paleontological resources, which may also assist WO 410 in responding to other questions within this document. (1. *ArchaeologicalSurveysMap UDSH.pdf*; 2. *ArchySiteDensityMap UDSH.pdf*; 3. *DRAFT*

Monticello FO Cultural Predictive Model Map BLM.pdf; 4. BearsEarsSites Comparison UDSH.pdf and 5. BearsEars BriefingMap 031417 Paleo BLM.pdf)

f) Cultural or historical resources, particularly Tribal, located near a monument but not within the boundary that might benefit from inclusion in the monument

Please refer to the 2.g.*Bears-Ears-Inter-Tribal-Coalition-Proposal.pdf* in Drive, which describes the Coalitions' proposed boundaries and significance of areas in San Juan county. The Executive Summary for the Bears Ears Inter-Tribal Coalition (*ExecutiveSummaryBearsEarsProposal(BEITwebsite).pdf*) is attached and is significantly larger than the area designated as BENM. The attached *BENM Boundary Comparison Map Web.pdf* shows the extent of the Inter-tribal Coalition proposal as well as the Proclamation boundary (and the Utah Public Land Initiative designations). See also *TribalLettersPostDesignation.pdf*.

g) Other – general questions or comments

1. **Discuss the full range of Proclamation objects.** The initial DOI data call focuses almost exclusively on cultural objects, but the Proclamation identifies many objects of antiquity or historical or scientific interest to be protected, such as paleontological resources.
2. **Minor boundary modifications:** There are a few locations where a very small boundary modification would improve manageability of resources without causing any impacts to the objects identified in the Proclamation. For example, a portion of the Bluff Airport is included within the BENM. BLM-Utah can provide additional information on request.